

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FOURTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO: 10569 of 2005

Between:

Smt. Ghousia Begum, W/o. Late M.A. Sami,
R/o. H.No. 273/1/A/9, Attapur Village,
H/o Mir Sagar, Rajendranagar Mandal,
Ranga Reddy District.

... PETITIONER

AND

1. The Commissioner, Municipal Corporation of Hyderabad,
Tankbund Road, Hyderabad.
2. The District Collector, Ranga Reddy District,
Office at Lakdikapool, Hyderabad.
3. The Mandal Revenue Officer, Rajendranagar Mandal,
Ranga Reddy District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents in attempting to demolish the structures and dispossessing me from the land admeasuring 250 square yards in Survey No. 29 and 32/2 vide municipal house bearing No. 273/1/A/9, Attapur Village, H/o Mir Sagar, Rajendranagar Mandal, Ranga Reddy District is illegal, arbitrary and in violation of the principles of natural justice, and consequently to direct the respondents not to take any coercive steps to demolish the structures made on my land without following due course of law.

Counsel for the Petitioner: MR.MOHD.MOIN AHMED QUADRI

Counsel for the Respondent No.1: MR.RAMA RAO GHANTA

Counsel for the Respondent Nos.2 &3: GP FOR REVENUE

The Court at the admission stage made the following:

ORDER: -

This writ petition is filed seeking *mandamus* declaring the action of the respondents in attempting to demolish the structures and dispossessing the petitioner from the land admeasuring 250 square yards in Survey No. 29 and 32/2 vide municipal house bearing No. 273/1/A/9, Attapur Village, H/o Mir Sagar, Rajendranagar Mandal, Ranga Reddy District as illegal, arbitrary and in violation of the principles of natural justice, and consequently direct the respondents not to take any coercive steps to demolish the structures made on her land, without following due course of law.

2. Petitioner, who claims to be the owner and possessor of land admeasuring 250 square yards in Sy.Nos.29 and 32/2 vide Municipal house bearing No.273/1/A/9,Attapur village, H/o Mir Sagar, Rajendranagar Mandal, Ranga Reddy District, states that she purchased the said property under a registered sale deed dated 29-03-1990.

3. The only grievance of the petitioner is that on 25-04-2005 the respondents along with Police came to her house and tried to demolish the structures raised by her without giving any notice and without following the due process of law, on the ground that the petitioner made the said constructions without obtaining necessary permission from the first respondent authorities.

4. Learned Standing Counsel for the first respondent submitted that before starting any construction, the petitioner is under obligation to obtain necessary permission from the first respondent, as provided under the Hyderabad Municipal Corporation Act.

5. Having regard to these circumstances, I deem it appropriate to direct the respondents not to demolish the residential house constructed by the petitioner,

without following the due process of law.

6. The writ petition is accordingly disposed of at the admission stage. No order as to costs.

ELIPE DHARMA RAO, J

Dt.24-06-2005

GLV

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

Copy to

1. The Commissioner, Municipal Corporation of Hyderabad,
Tankbund Road, Hyderabad.
2. The District Collector, Ranga Reddy District,
Office at Lakdikapool, Hyderabad.
3. The Mandal Revenue Officer, Rajendranagar Mandal,
Ranga Reddy District.
4. Two CCs. to the Government Pleader for Revenue,
High Court Buildings, Hyderabad. (OUT)
5. Two CD copies.

*Form-NIC-OGS/WP{**SPJS**}*